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Attorney for Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

LARRY DEAN CROW, Plaintiff, vs. BROOKS MOTOR COMPANY, INC. an Oregon Corporation, and GARY BROOKS, individually, Defendants.	Case No. 3:13-cv-00757-ST DECLARATION OF WILLIAM D. BRANDT IN SUPPORT OF DEFENDANTS' MOTION TO CONTINUE TRIAL DATE
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UNDER PENALTY OF PERJURY:

I, WILLIAM D. BRANDT, hereby state as follows:

I am attorney for defendants in the above entitled matter.

It was recently brought to my attention that defendant Gary Brooks is scheduled for surgery on his right shoulder. The surgery has been scheduled for January 28, 2016. See Exhibit 1 attached hereto. Mr. Brooks will be severely limited in his ability to function for two to four months post-surgery and will be required to undergo "extensive physical therapy following the operation

for somewhere between two and four months.” See Exhibit 2 attached hereto. Therefore, defendants respectfully request a reset of the February 9, 2016 trial to a date after June 1, 2016.

I have consulted with opposing counsel who do not oppose a reset of the trial date, although plaintiff requests that the trial be reset as soon as possible after April 1, 2016. Because defendant Brooks is not sure at this time how soon after surgery he will be able to participate in trial, defendants are requesting a trial date after June 1, 2016.

I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY.

DATED this 10th day of December, 2015.

/s/ William D. Brandt
William D. Brandt, OSB #720366
Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing document on:

D. Michael Dale Attorney at Law PO Box 1032 Cornelius, OR 97113 Fax: 503-357-8290 Email: michaeldale@dmichaeldale.net	Attorney for Plaintiff
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Banafsheh Violet Nazari Attorney at Law 1526 NE Alberta Street, Suite 310 Portland, OR 97211 Email: violet@nazarilaw.com	Attorney for Plaintiff
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by the following indicated method or methods:

- ☐ by mailing a full, true, and correct copy thereof in a sealed, first-class postage-prepaid envelope, addressed to the attorney(s) and/or parties as shown above, the last-known office address of the attorney, and deposited with the United States Postal Service at Salem, Oregon, on the date set forth below.
- ☐ by e-mailing a full, true, and correct copy thereof to the attorney(s) and/or parties as shown above, at the last known e-mail address of the person.
- ☐ by faxing a full, true, and correct copy thereof to the attorney(s) and/or parties as shown above, at the fax number(s) shown above, which is the last known fax number for the attorneys' office, on the date set forth below. The receiving fax machine was operating at the time of service and the transmission was properly completed. The confirmation report is available for inspection upon request.
- ☒ by serving by electronic means through the court's CM/EFC system.

DATED this 10th of December, 2015.

/s/ William D. Brandt
William D. Brandt, OSB #720366
Attorney for Defendants